

## REMARKS

### I. Status of Claims

Claims 114, 116-122, 124-130, 132-138, and 140-159 are currently pending in this Application. Claims 1-113 were previously canceled, and by this Amendment Applicants have canceled claims 115, 120, 123, 128, 131, 136, 139, and 144, amended the Abstract and claims 114, 118, 122, 130, 134, 138 and 142, and added new claims 146-159.

Support for new claims 146 and 147, reciting at least one polymer chosen from ethylenediamine/stearyl dimer dilinoleate copolymer, can be found in the originally-filed specification, for example at page 14, first full paragraph. This paragraph recites Uniclear<sup>®</sup> and that Uniclear<sup>®</sup> “may be mixtures of copolymers derived from monomers of (i) C<sub>36</sub> diacids and (ii) ethylenediamine . . . .” See also International Cosmetic Ingredient Dictionary and Handbook (“CTFA”) pages 657-58 (attached herewith as Exhibit 1), reciting that ethylenediamine/stearyl dimer dilinoleate copolymer is at least one copolymer of ethylenediamine and dilinoleic acid monomers, end-blocked with stearyl alcohol, and further reciting that a trade name for ethylenediamine/stearyl dimer dilinoleate copolymer is known in the art to be Uniclear<sup>®</sup>. Thus, there are one or more copolymers referred to as “ethylenediamine/stearyl dimer dilinoleate copolymer.” Consequently, the specification reasonably conveys a method for making a mascara comprising including in said mascara at least one polymer chosen from ethylenediamine/stearyl dimer dilinoleate copolymer.

Applicants note that, in related Application Nos. 10/012,051, 10/203,018, and 09/937,314, the Examiner requested Applicants provide some documentation showing that the species of polymer claimed, i.e., that known by the trade name Uniclear<sup>®</sup>, was known at the time these related applications were filed. Accordingly, Applicants provided the Examiner with a redacted version of confidential proprietary documents from the Assignee company that show that ethylenediamine/stearyl dimer tallate and dilinoleate copolymers were known as Uniclear<sup>®</sup> prior to the filing date of the applications. See Exhibit 2, Redacted Proprietary Documents. In the present case, the Examiner has indicated she would also require such documentation. Applicants do not believe, however, that the requested confidential proprietary documents are either necessary or legally required. As discussed above, the specification describes the copolymers known as Uniclear<sup>®</sup> and necessarily establishes that the at least one copolymer claimed was known at the time the application was filed. The supplied information from the CTFA further demonstrates that Uniclear<sup>®</sup> is the trade name for ethylenediamine/stearyl dimer tallate copolymer and ethylenediamine/stearyl dimer dilinoleate copolymer, which establishes that the at least one copolymer claimed was known at the time of filing. However, solely in an effort to advance prosecution of this case, Applicants attach herewith a copy of the redacted confidential proprietary documents.

Support for the amendment to claims 114 and 130, wherein R<sup>3</sup>, which are identical or different, are each chosen from C<sub>2</sub> to C<sub>36</sub> hydrocarbon-based groups, can be found in the originally-filed specification, for example on page 13, fourth paragraph.

Support for new claims 148-153 can be found throughout the application as originally filed. See Table 1 of the February 27, 2004, Preliminary Amendment, and pages 26-28 of the specification, disclosing that a coloring agent is one of several optional additional ingredients.

Support for new claims 154-159, reciting a mascara product comprising a packaging article, a mascara composition, and an apparatus for applying said mascara to eyelashes can be found in the originally-filed specification, for example on page 5, fifth full paragraph disclosing “make-up products for . . . the eyelashes,” and on page 30, second full paragraph, disclosing that the composition may be “cast . . . directly into the packaging articles (e.g., a case or dish).” One of ordinary skill in the cosmetic art would readily recognize that a mascara composition, disclosed throughout the specification, is customarily cast into a packaging article with a brush or a wand or other apparatus for applying the mascara to the eyelashes. Therefore, the disclosure reasonably conveys, and in fact clearly conveys, to those of ordinary skill in the art, the mascara product according to new claims 154-159.

## **II. Rejections under 35 U.S.C. § 112**

A. Claims 114-145 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. According to the Examiner, “[t]here is no description in the specification for heterocyclic ring systems,” as recited in the definition of  $R^4$  for formula (I). Office Action at 2. Although Applicants disagree, the instant claims have been amended, mooted this ground for rejection.

B. Claims 119, 120, 127, 128, 135, 136, 143, and 144 have also been rejected under 35 U.S.C. § 112, first paragraph, as the Examiner alleges that “[t]here is no support in the specification for ‘at least one neutralizing agent’ . . . [and] ‘at least one vinylpyrrolidone polymer’.” Office Action at 3. According to the Examiner, “[v]inylpyrrolidone copolymer is formed from vinylpyrrolidone monomer [and] another monomer . . . which polymerizes with the vinylpyrrolidone, whereas vinylpyrrolidone polymer is formed from vinylpyrrolidone monomer only.” *Id.* Applicants respectfully disagree.

The specification, in the first full paragraph of page 26, clearly recites, “The composition of the invention can also comprise any additional additive used in the field under consideration, . . . chosen, for example, from . . . **neutralizing agents** . . .” (emphasis added). “Any additive” conveys the singular and “neutralizing agents” conveys the plural. Hence, the specification reasonably conveys the language “at least one neutralizing agent,” covering both the singular and the plural. That language, therefore, does not add new matter under 35 U.S.C. § 112, first paragraph. Consequently, Applicants respectfully request reconsideration of that ground of rejection.

Applicants disagree with the rejection of “vinylpyrrolidone copolymer.” Nevertheless, claims 120, 128, 136, and 144 have been canceled, thus mooted that reason for rejection.

C. Claims 118, 126, 134, and 142 have been rejected under 35 U.S.C. § 112, second paragraph. According to the Examiner, “[t]he claims recited one compound and

yet the claims are in Markush group format. Deletion of 'chosen from' is suggested to overcome the above rejection." Office Action at 3. Applicants disagree that such an amendment is necessary, but solely in an effort to advance prosecution, claims 118, 126, 134, and 142 have been amended herein, thus mooting that reason for rejection.

### **III. Rejection under 35 U.S.C. § 103**

Claims 113-118<sup>1</sup>, 121-126, 129-134, 137-141, and 145 have been rejected under 35 U.S.C. § 103 as allegedly obvious of the combination of U.S. Patent Nos. 5,783,657 to Pavlin et al. ("Pavlin"), 6,402,408 to Ferrari ("Ferrari '408"), and 6,214,329 to Brieva et al. ("Brieva")<sup>2</sup>. According to the Examiner, Pavlin and Ferrari '408 teach the specific polymer, as well as combining and/or mixing this polymer with certain claimed additives. Office Action at 4-5. The Examiner admits, however, that Pavlin "does not teach the specific fillers or the specific volatile solvent or preservatives,"<sup>3</sup> yet states that it would have been obvious to combine the specific volatile solvents and fillers taught in Brieva. *Id.* at 5. The Examiner then concludes that "[o]ne of ordinary skill in the art would be motivated to combine the ingredients with the reasonable expectation of success that . . . when this product is applied to eyelashes the polymer imparts [a] glossy and non-

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<sup>1</sup>Claim 113 was previously canceled. Applicants assume the Examiner intends to refer to claims 114-118. If the Examiner intends otherwise, Applicants respectfully request clarification of the rejection on the record.

<sup>2</sup> Although it is not clear from the Office Action, Applicants believe the Examiner is relying on the combination of **either** Ferrari '408 **or** Pavlin with Brieva. If Applicants' assumption is incorrect, clarification on the record is requested.

<sup>3</sup> Applicants point out that while Pavlin does not explicitly teach preservatives, it incorporates by reference U.S. Patent No. 4,278,658 to Hooper et al., which discloses in a long list of optional ingredients that preservatives may be added to the deodorant composition disclosed therein. In that regard, Applicants submit in the Information Disclosure Statement and Form PTO 1449 filed herewith the December 23, 2003, Office Action of Examiner Tae Yoon in Application Serial No. 09/733,898.

migrating benefit[,] and the non-migrating benefit is useful to the consumer because when the [m]ascara is applied to eyelashes it does not stick to hands [and] clothing.” *Id.* at 6. Applicants respectfully traverse on the ground that no *prima facie* case of obviousness has been established.

**A. Under § 103(c), Ferrari ‘408 is not Prior Art**

According to 35 U.S.C. § 103(c),

[s]ubject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the instant case, Ferrari ‘408 would only qualify as prior art against the instant application under 35 U.S.C. § 102(e) or § 102(e)/103(a) as Ferrari ‘408 was filed on July 17, 2000, while the instant application claims priority to PCT/IB00/02000, dated December 12, 2000. The present claims have full written description support in PCT/IB00/02000, as set forth in the February 27, 2004, Preliminary Amendment, and as further set forth below in Table 2 for the Examiner’s convenience.

**Table 2.**

<b><u>Element</u></b>	<b><u>Support in Specification of PCT/IB00/02000</u></b>
A method of making a mascara composition	See page 7, line 8, disclosing mascaras as a subject of the invention. Further see page 38, first full paragraph which generally describes manufacturing compositions according to the present invention. The disclosure as a whole reasonably conveys

	how to make a mascara.
Mixing	See page 38, first full paragraph which discloses preparation of the cosmetic compositions of the invention by mixing.
At least one inert filler	See pages 22-24 under the heading "Inert filler."
Polytetrafluoroethylene (PTFE)	See page 22, line 30.
Kaolin	See page 23, line 10.
Silica	See page 23, line 9.
At least one polymer chosen from polymers of following formula (I):	See pages 14 and 15, beginning at page 14, line 19.
$  \begin{array}{c}  \text{R}^1\text{-O}-\left[ \begin{array}{c} \text{C}-\text{R}^2-\text{C}-\text{N}-\text{R}^3-\text{N} \\ \parallel \quad \parallel \quad \quad \quad \parallel \quad \parallel \\ \text{O} \quad \text{O} \quad \quad \quad \text{O} \quad \text{O} \end{array} \right]_n-\begin{array}{c} \text{C}-\text{R}^2-\text{C}-\text{O}-\text{R}^1 \\ \parallel \quad \parallel \\ \text{O} \quad \text{O} \end{array} \quad (I)  \end{array}  $ <p>in which n denotes a number of amide units, such that the number of ester groups represents from 10% to 50% of the total number of ester and amide groups; R<sup>1</sup> is, in each case, independently an alkyl or alkenyl group having at least 4 carbon atoms; R<sup>2</sup> independently represents, in each case, a C<sub>4</sub> to C<sub>42</sub> hydrocarbonaceous group, provided that 50% of the R<sup>2</sup> groups represent a C<sub>30</sub> to C<sub>42</sub> hydrocarbonaceous group; R<sup>3</sup> independently represents, in each case, an organic group provided with at least 2 carbon atoms, with hydrogen atoms and optionally with one or more oxygen or nitrogen atoms; and R<sup>4</sup> independently represents, in each case, a hydrogen atom, a C<sub>1</sub> to C<sub>10</sub> alkyl group or a direct bond to R<sup>3</sup> or another R<sup>4</sup>, so that the nitrogen atom to which both R<sup>3</sup> and R<sup>4</sup> are bonded forms part of a heterocyclic structure defined by R<sup>4</sup>-N-R<sup>3</sup>, with at least 50% of the R<sup>4</sup> groups representing a hydrogen atom</p>	

Water	See the first full paragraph on page 8, which recites that the inventive compositions may be in the form of an emulsion, such as a single emulsion (such as an oil-in-water or water-in-oil emulsion) or a multiple emulsion (such as an oil-in-water-in-oil emulsion). See also the first full paragraph on page 33, which describes that the inventive composition may contain water.
At least one coloring agent	See pages 34 and 35 under the heading "Coloring agents."
At least one preservative	See page 33, line 1.
Ethylenediamine/stearyl dimer tallate and dilinoleate copolymers	See page 17, second full paragraph, beginning at line 7, reciting Uniclear polymers and that Uniclear polymers are "mixtures of copolymers derived from monomers of (i) C <sub>36</sub> diacids and (ii) ethylenediamine." See also <u>International Cosmetic Ingredient Dictionary and Handbook</u> ("CTFA") pages 657-658 (attached herewith as Exhibit 1), reciting that ethylenediamine/stearyl dimer tallate copolymer is at least one copolymer of ethylenediamine and tall oil dimer acid monomers, end-blocked with stearyl alcohol and further reciting that a trade name for ethylenediamine/stearyl dimer tallate copolymer is Uniclear, and that ethylenediamine/stearyl dimer dilinoleate copolymer is at least one copolymer of ethylenediamine and dilinoleic acid monomers, end-blocked with stearyl alcohol and further reciting that a trade name for ethylenediamine/stearyl dimer dilinoleate copolymer is also Uniclear. Thus, the specification



	reasonably conveys the use of at least one ethylenediamine/stearyl dimer tallate or dilinoleate copolymer to make a mascara and the use for making-up eyelashes of a mascara comprising at least one ethylenediamine/stearyl dimer tallate or dilinoleate copolymer.
At least one volatile solvent	See the last full paragraph on page 30, which discloses that the composition may contain at least one volatile solvent.
Isododecane	See page 30, line 1, and page 31, line 28.
At least one neutralizing agent	See page 33, line 2.
A liquid fatty phase structured by at least one polymer	See page 1, first paragraph.
A mascara product comprising a packaging article, a mascara composition, and an apparatus for applying said mascara to eyelashes	See page 7, lines 8-10 disclosing "make-up products for . . . the eyelashes," and page 38, lines 8-9, disclosing that the compositions can be "cast in a suitable mold . . . or directly into the packaging articles (e.g. a case or dish)". One of ordinary skill in the cosmetic art would readily recognize that a mascara composition, disclosed throughout the specification, is customarily cast into a packaging article with a brush or a wand or other apparatus for applying the mascara to the eyelashes.

As can be seen from Table 2, claims 114-159 have full 35 U.S.C. § 112, first paragraph, support in this international priority application and hence are entitled to date benefit of the December 12, 2000, priority document. Further, both Ferrari '408 and the instant application are subject to an obligation of assignment to L'Oréal, i.e., the same person,

as evidenced by the assignment information recorded for Ferrari '408 on September 12, 2000, at Reel 011057, Frame 0007, and the assignment information recorded for the instant application on March 24, 2003, at Reel 014055, Frame 0428. Ferrari '408 is therefore not available as prior art under § 103(c).

Of course, § 103(c) only applies to subject matter constituting prior art under § 103(a), and not subject matter constituting prior art under § 102. M.P.E.P. § 2146. In other words, Ferrari still has prior art status under § 102(e), even though it is not available as prior art under § 103(c). Here, however, the Examiner agrees with Applicants that Ferrari '408 is prior art only under § 103 and does not anticipate any of the claimed inventions under § 102(e). See Office Action at pages 4-5.

**B. The Examiner has Failed to Establish any Motivation to Combine Either Pavlin and Brieva or Ferrari '408 and Brieva**

To establish a *prima facie* case of obviousness, the Office must, among other things, establish some motivation or suggestion to combine the references. See M.P.E.P. § 2143. Applicants respectfully submit that the Office has not done so under the present circumstances with respect to the combination of Pavlin and Brieva, for at least the following reasons. Further, although Applicants realize that Ferrari '408 is not prior art under 35 U.S.C. § 103(c), Applicants respectfully submit that, nevertheless, the Office has not established any motivation to combine Ferrari '408 with Brieva, for at least the following reasons as well.

The Office admits that neither Pavlin nor Ferrari '408 teach the specific fillers of kaolin and PTFE, as claimed, directly or indirectly, in all of the instant claims, as amended. Thus, the Office looks to Brieva as teaching, among other things, kaolin and

PTFE. According to the Office, “[t]he motivation to combine the ingredients flows logically [from] the art for having been used in the same [m]ascara art.” Office Action at 5.

However, that motivation is defeated because Brieva explicitly teaches away from incorporating a polyamide gelling agent, such as that disclosed in Pavlin and Ferrari ‘408, into the composition. “It is improper to combine references where the references teach away from their combination.” M.P.E.P. § 2145 X.2. Brieva, in fact, emphasizes throughout the disclosure that the composition includes a “non-polymeric gelling agent.” See Brieva, throughout. The polyamide of Pavlin and Ferrari ‘408 is, by definition, polymeric, and not the type of gelling agent stressed in Brieva’s teachings.

Moreover, almost a year elapsed between Pavlin’s issuance and the filing of Brieva. While the polyamide of Pavlin and Ferrari ‘408 was thus known in the art at the time Brieva was filed, Brieva nonetheless recited use of a non-polymeric gelling agent. One sees, therefore, that Brieva went to great lengths to emphasize that the gelling agent incorporated therein is non-polymeric. Applicants therefore respectfully submit that one of ordinary skill in the art would not have been motivated to combine the polyamide polymer of Pavlin with inert fillers and/or other ingredients of Brieva, a reference that goes to great length to emphasize that the gelling agent incorporated therein is non-polymeric. As there is no suggestion or motivation to combine either Pavlin or Ferrari ‘408 with Brieva, Applicants respectfully request withdrawal of the rejection, and reconsideration of the pending claims, as amended.

#### IV. Copending Applications

In the Preliminary Amendment filed on February 27, 2004, in this case, Applicants noted in Table 3 information regarding 36 copending applications, including the present application, and submitted copies of the pending claims as of that date for every case identified in Table 3. In the following Table 3, Applicants have noted four additional applications which have been filed, and enclose herewith in Exhibit 3 a copy of the copending claims for each additional case. Furthermore, Applicants submit herewith also with Exhibit 3 copies of the currently pending claims from the following copending applications, which claims have been amended since February 27, 2004: 09/733,899; 09/733,900; 09/618,066; 09/685,577; 09/685,578; 09/733,896; 10/203,018; 10/198,931; 09/937,314; 10/012,029; 10/012,051; 10/012,052; 10/046,568; 10/182,830; 10/203,374. It is Applicants' view that there are no issues regarding statutory or obviousness-type double patenting. The submission, however, is intended to allow the Office to make its own independent evaluation.

**Table 3**

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication Date
05725.0808-02000	10/918,579	August 16, 2004	Carlos O. PINZON, Paul THAU, and Isabelle BARA	COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME	Reel 011654, Frame 0869, on April 2, 2001	Not yet published
05725.0932-01000	Not yet assigned	November 22, 2004	Véronique FERRARI	A TRANSFER-FREE COMPOSITION STRUCTURED	Reel 012476, Frame 0507, on January 17, 2002	Not yet published

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication Date
				STRUCTURED IN RIGID FORM BY A POLYMER	17, 2002	
05725.1003-01000	Not yet assigned	November 22, 2004	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER BLEND	Reel 013142, Frame 0645, on August 1, 2002	Not yet published
05725.1004-01000	Not yet assigned	November 18, 2004	Nathalie COLLIN	USE OF A POLYMER FOR OBTAINING AN EXPRESS MAKE-UP OF KERATIN MATERIALS	Reel 012847, Frame 0285, on April 30, 2002	Not yet published

**V. Information Disclosure Statement/PTO Form 1449**

On February 27, 2004, Applicants submitted an Information Disclosure Statement and 26-page PTO Form 1449. Applicants note that several of the documents listed on the PTO Form 1449 returned with the present Office Action were crossed through, rather than initialed. Applicants understand that they properly listed those documents and respectfully request that the Office consider the documents and indicate that the documents were considered. For the Office's convenience, Applicants submit herewith a new Information Disclosure Statement and PTO Form SB/08, listing all the documents crossed through by the Office. If the Office disagrees, Applicants would greatly appreciate citation of a regulation or PTO rule establishing that Applicants submission was improper.

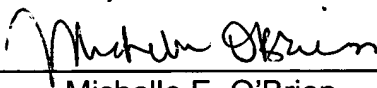
**VI. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any fee due in connection with this Amendment to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.

By:   
Michelle E. O'Brien  
Reg. No. 46,203

Dated: November 24, 2004

**Attachment:** Exhibit 1 - International Cosmetic Ingredient Dictionary and Handbook ("CTFA") pages 657-58  
Exhibit 2 - Redacted Confidential Proprietary Documents  
Exhibit 3 - Pending Claims in Copending Applications

## **EXHIBIT 1**

International Cosmetic Ingredient Dictionary and Handbook  
("CTFA") page 657-58

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# **International Cosmetic Ingredient Dictionary and Handbook**

**Tenth Edition  
2004**

**Editors**  
Tara E. Gottschalck  
Gerald N. McEwen, Jr., Ph.D., J.D.

**Volume 1**

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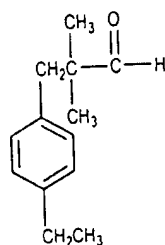
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CTFA

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Library of Congress Catalog Card No. 2003106280  
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PRINTED IN THE UNITED STATES OF AMERICA

nition: Ethyl 2,2-Dimethylhydrocinnamal  
e aromatic aldehyde that conforms  
rally to the formula:



ormation Source: RIFM

emical Class: Aldehydes

nction: Fragrance Ingredient

chnical/Other Names:

lpha,alpha-Dimethyl-p-  
ethylphenylpropanal (RIFM)  
lpha,alpha-Dimethyl-p-ethylphenylpropanal  
l-(p-Ethylphenyl)-2,2-Dimethylpropion-  
aldehyde

ade Name:

loralozone (International Flavors & Fra-  
grances)

## ETHYLENE/ACRYLIC ACID COPOLYMER

AS No.: 9010-77-9

efinition: Ethylene/Acrylic Acid Copolymer  
a copolymer of ethylene and acrylic acid  
monomers.

Information Sources: 21CFR177.1310,  
1CFR178.1005, CIR: [SQ] IJT 21(SUPPL.  
) 2002

Chemical Class: Synthetic Polymers

Functions: Binder; Film Former; Viscosity  
Increasing Agent - Nonaqueous

Technical/Other Name:

2-Propenoic Acid with Ethene

Trade Names:

A-C Copolymer 540 (Honeywell)  
A-C Copolymer 580 (Honeywell)  
A-C Copolymer 540A (Honeywell)  
AEC Ethylene/Acrylic Acid Copolymer (A &  
E Connock)  
EA-209 (Kobo)

## ETHYLENE/ACRYLIC ACID/VA COPOLYMER

CAS No.: 26713-18-8

Definition: Ethylene/Acrylic Acid/VA  
Copolymer is a copolymer of ethylene, acrylic  
acid and vinyl acetate monomers.

Information Source: CIR: [SQ] IJT 21  
(SUPPL. 3) 2002

Chemical Class: Synthetic Polymers

Functions: Binder; Film Former; Viscosity  
Increasing Agent - Nonaqueous

Technical/Other Name:

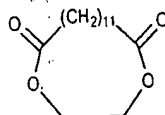
2-Propenoic Acid, Polymer with Ethene and  
Ethenyl Acetate

## ETHYLENE BRASSYLATE

CAS No. EINECS No.  
105-95-3 203-347-8

Empirical Formula:  
 $C_{15}H_{26}O_4$

Definition: Ethylene Brassylate is the cyclic  
ester that conforms to the formula:



Information Sources: 21CFR172.515,  
RIFM, TSCA

Chemical Class: Esters

Function: Fragrance Ingredient

Reported Product Categories: Founda-  
tions; Moisturizing Preparations; Cleansing  
Products (Cold Creams, Cleansing Lotions,  
Liquids and Pads); Personal Cleanliness  
Products, Misc.

Technical/Other Names:

1,4-Dioxacycloheptadecane-5,17-dione  
Ethylene brassylate (RIFM)  
Ethylene Undecane Dicarboxylate

Trade Name:

AEC Ethylene Brassylate (A & E Connock)

## ETHYLENE/CALCIUM ACRYLATE COPOLYMER

CAS No.: 26445-96-5

Empirical Formula:  
 $(C_3H_4O_2 \cdot C_2H_4)_x \cdot xCa$

Definition: Ethylene/Calcium Acrylate  
Copolymer is a copolymer of ethylene and  
calcium acrylate monomers.

Information Sources: 21CFR175.105,  
CIR: [SQ] IJT 21(SUPPL. 3) 2002

Chemical Class: Synthetic Polymers

Functions: Binder; Film Former

Technical/Other Name:

2-Propenoic Acid, Polymer with Ethene,  
Calcium Salt

## ETHYLENE CARBONATE

CAS No. EINECS No.  
96-49-1 202-510-0

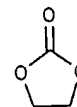
JPN Translation:

炭酸エチレン

Empirical Formula:

$C_3H_4O_3$

Definition: Ethylene Carbonate is the  
organic compound that conforms to the  
formula:



Information Sources: JCIC, JCLS

Chemical Class: Esters

Function: Solvent

Technical/Other Name:

1,3-Dioxolan-2-one

## ETHYLENEDIAMINE/DIMER TALLATE COPOLYMER BIS-HYDROGENATED TALLOW AMIDE

Definition: Ethylenediamine/Dimer Tallate  
Copolymer Bis-Hydrogenated Tallow Amide  
is a copolymer of ethylenediamine and tall oil  
dimer acid monomers, end-blocked with  
Hydrogenated Tallowamine (q.v.).

Chemical Class: Synthetic Polymers

Functions: Oral Care Agent; Skin-Condi-  
tioning Agent - Miscellaneous; Viscosity  
Increasing Agent - Nonaqueous

Technical/Other Name:

Sylvaclear A200

## ETHYLENEDIAMINE/STEARYL DIMER DILINOLEATE COPOLYMER

Definition: Ethylenediamine/Stearyl Dimer  
Dilinoate Copolymer is a copolymer of  
ethylenediamine and Dilinoateic Acid (q.v.)  
monomers, end-blocked with stearyl alcohol.

Chemical Class: Synthetic Polymers

Functions: Oral Care Agent; Skin-Condi-  
tioning Agent - Miscellaneous; Viscosity  
Increasing Agent - Nonaqueous

Trade Name:

UNICLEAR (Arizona)

## ETHYLENEDIAMINE/STEARYL DIMER TALLATE COPOLYMER

Definition: Ethylenediamine/Stearyl Dimer  
Tallate Copolymer is a copolymer of ethyl-

The inclusion of any compound in the *Dictionary and Handbook* does not indicate that use of that substance as a cosmetic ingredient complies with the laws and regulations governing such use in the United States or any other country.

## Ethylenediamine/Stearyl Dimer Tallate Copolymer (Cont.)

enediamine and tall oil dimer acid monomers, end-blocked with stearyl alcohol.

**Chemical Class:** Synthetic Polymers

**Functions:** Oral Care Agent; Skin-Conditioning Agent - Miscellaneous; Viscosity Increasing Agent - Nonaqueous

**Trade Name:**  
UNICLEAR (Arizona)

**Information Sources:** JCIC, JCLS

**Chemical Class:** Amides

**Function:** Skin-Conditioning Agent - Miscellaneous

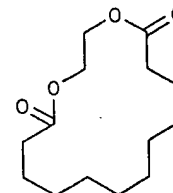
**Technical/Other Name:**  
Condensate of Dilinoleic Acid and Ethylenediamine

## ETHYLENE DODECANEDIOATE

**CAS No.** 54982-83-1 **EINECS No.** 259-423-6

**Empirical Formula:**  
 $C_{14}H_{24}O_4$

**Definition:** Ethylene Dodecanedioate is the organic compound that conforms to the formula:



**Information Source:** RIFM

**Chemical Classes:** Esters; Heterocyclic Compounds

**Function:** Fragrance Ingredient

**Technical/Other Names:**  
Cyclic Ethylene Dodecanedioate  
1,4-Dioxacyclohexadecane-5,16-Dione  
Ethylene dodecanedioate (RIFM)  
Musk C-14

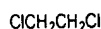
**Trade Name:**  
Zenolide (International Flavors)

## ETHYLENE DICHLORIDE

**CAS Nos.** 107-06-2 **EINECS Nos.** 203-458-1  
1300-21-6 215-077-8

**Empirical Formula:**  
 $C_2H_4Cl_2$

**Definition:** Ethylene Dichloride is the halogenated aliphatic hydrocarbon that conforms to the formula:



**Information Sources:** 21CFR165.110, 21CFR172.560, 21CFR172.710, 21CFR172.864, 21CFR173.165, 21CFR173.230, 21CFR173.315, 21CFR175.105, 21CFR573.440, EEC(II-125), FCC, MI-13(3831), TSCA

**Chemical Class:** Halogen Compounds

**Function:** Not Reported

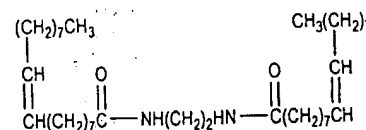
**Technical/Other Names:**  
Dichloroethane  
Ethane, 1,2-Dichloro-

## ETHYLENE DIOLEAMIDE

**CAS No.** 110-31-6 **EINECS No.** 203-756-1

**Empirical Formula:**  
 $C_{38}H_{72}N_2O_2$

**Definition:** Ethylene Dioleamide is the diamide that conforms generally to the formula:



**Information Sources:** 21CFR175.300, TSCA

**Chemical Class:** Amides

**Function:** Viscosity Increasing Agent - Nonaqueous

**Technical/Other Names:**  
N,N'-1,2-Ethanedylbis-9-Octadecenamide  
9-Octadecenamide, N,N'-1,2-Ethanedylbis-

## ETHYLENE/MA COPOLYMER

**CAS No.:** 9006-26-2

**JPN Translation:**  
(エチレン/マレイン酸) コポリマー

**Definition:** Ethylene/MA Copolymer is a polymer of ethylene and maleic anhydride monomers.

**Information Sources:** 21CFR175.105, 21CFR177.1210, 21CFR177.1520, JCIC, JCLS, TSCA

**Chemical Class:** Synthetic Polymers

**Functions:** Binder; Film Former; Suspending Agent - Nonsurfactant

**Technical/Other Names:**  
Ethylene/Maleic Anhydride Copolymer  
2,5-Furandione, Polymer with Ethene

## ETHYLENE/MAGNESIUM ACRYLATE COPOLYMER

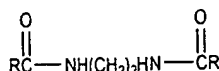
**CAS No.:** 27515-37-3

**Empirical Formula:**  
 $(C_3H_4O_2 \cdot C_2H_4)_x \cdot xMg$

**Definition:** Ethylene/Magnesium Acrylate Copolymer is a copolymer of ethylene and magnesium acrylate monomers.

## ETHYLENE DIHYDROGENATED TALLOW-AMIDE

**Definition:** Ethylene Dihydrogenated Tallowamide is the diamide that conforms generally to the formula:



where RCO- represents the fatty acids derived from hydrogenated tallow.

**Chemical Class:** Amides

**Function:** Viscosity Increasing Agent - Nonaqueous

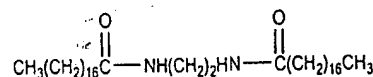
**Technical/Other Names:**  
N,N'-1,2-Ethanedylbis(Hydrogenated Tallowamide)  
(Hydrogenated Tallowamide), N,N'-1,2-Ethanedylbis-

## ETHYLENE DISTEARAMIDE

**CAS No.** 110-30-5 **EINECS No.** 203-755-6

**Empirical Formula:**  
 $C_{38}H_{76}N_2O_2$

**Definition:** Ethylene Distearamide is the diamide that conforms to the formula:



**Information Source:** TSCA

**Chemical Class:** Amides

**Function:** Viscosity Increasing Agent - Nonaqueous

**Technical/Other Names:**  
N,N'-1,2-Ethanedylbisoctadecanamide  
N,N'-Ethylene Bisstearamide  
Octadecanamide, N,N'-1,2-Ethanedylbis-

**Trade Name:**  
Lipowax C (Lipo)

## ETHYLENE DILINOLEAMIDE

**Definition:** Ethylene Dilinoleamide is the condensation product of ethylenediamine with Dilinoleic Acid (q.v.).

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## **EXHIBIT 2**

Redacted Confidential Proprietary Documents

## Identification

REDACTED

Nom Chimique : CONDENSAT DIACIDE EN C36 HYDROGENE/ETHYLENE DIAMINE, ESTERIFIE PAR ALCOOL STEARYLIQUE

Nom CTFA :

REDACTED

## Références commerciales

Références commerciales	Fournisseurs
UNICLEAR 100 V	REDACTED

REDACTED

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Numéro de CAS	Nom CTFA substance	Nom européen substance	% sub.	Rôle	Type	Color index	% etiq.	N° eincs
REDACTED	ETHYLENEDIAMINE/TALL OIL DIMER ACID/STEARYL ALCOHOL COPOLYMER			REDACTED				
	REDACTED							

REDACTED

05/07/2000

REDACTED

**Identification.**

Code R.A.D:

REDACTED

Code Oréal: REDACTED

Codage demandé le : 13/07/00

Code attribué le : 07/11/00

**Réf. Commerciale**

**Fabricant / Distributeur**

UNICLEAR 100 VG

REDACTED

(DGT) UNICLEAR 100 VG

Nom chimique R.A.D : CONDENSAT.DIACIDE EN C18 HYDROGENE ETHYLENE DIAMINE, ESTERIFIE PAR  
ALCOOL STEARYLIQUE (PM: ENVIRON 4000) STABILISE (ANOX 20)  
Nom INCI USA : ETHYLENEDIAMINE/STEARYL DIMER DILINOLEATE COPOLYMER

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## **EXHIBIT 3**

### **Pending Claims in Copending Applications**